

**Editor's note: Reconsideration denied by order dated Oct. 7, 1974**

DUNCAN MILLER

IBLA 74-285

Decided June 20, 1974

Appeal from decision of the California State Office, Bureau of Land Management, rejecting oil and gas lease offers CA 736 and CA 737.

AFFIRMED.

Oil and Gas Leases: Subject to – Oil and Gas Leases: Termination

Lands in terminated or canceled oil and gas leases are not subject to "over-the-counter" oil and gas lease offers until the requirements of the simultaneous filing system have been met.

Appeals

An appellant will not be permitted to obtain review of a final Departmental decision by filing an application for the same lands.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Miller has appealed from a decision of the California State Office, Bureau of Land Management, dated March 25, 1974, which rejected his oil and gas lease offers CA 736 and CA 737, filed October 19, 1973.

Miller, by this appeal, in effect, seeks a new and further review of a prior final decision of this Board, Duncan Miller, 12 IBLA 206 (July 17, 1973), which held that his oil and gas leases LA 0165160 and 0167932 had terminated by operation of law. His current offers, embracing the same lands, were filed four days after the announcement of a simultaneous drawing therefor. The successful drawees, Donald H. Ford and James B. Lynn, have been issued oil and gas leases CA 759 and CA 761, respectively, effective April 1, 1974. This "appeal" is an effort to gain a further review of the action taken and sets forth no reasons

justifying a reconsideration of our prior decision. Miller will not be permitted at this late date to launch an indirect attack against our earlier decision. In any event, lands in terminated leases are not subject to "over-the-counter" filings, Claude C. Kennedy, 12 IBLA 183 (1973), until the requirements of the simultaneous filing system have been met. Cf Frances M. Kanowsky, 10 IBLA 358 (1973). His offers were properly rejected.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed.

---

Frederick Fishman  
Administrative Judge

We concur.

---

Edward W. Stuebing  
Administrative Judge

---

Anne Poindexter Lewis  
Administrative Judge

